

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
v.	)	Criminal Action No. 06-31-JJF
	)	
FRANSICSO BARRERA-LOPEZ,	)	
SALVADOR MARTINEZ-TORRES, and	)	
JOSE LUIS BECERRA-YEPEZ,	)	
	)	
Defendants.	)	

**MOTION AND ORDER**  
**FOR EXCLUSION OF TIME UNDER SPEEDY TRIAL ACT**

COMES NOW the United States of America, by and through its attorneys, Colm F. Connolly, United States Attorney for the District of Delaware, and Edmond Falgowski, Assistant United States Attorney for the District of Delaware, and respectfully moves this Court for an Order excluding time pursuant to the Speedy Trial Act, 18 U.S.C. § 3161 et seq. In support of the motion, the United States respectfully states as follows:

1. On August 15, 2006, the Court held a scheduling conference, during which the parties explained that guilty pleas were anticipated but that an additional period of time was necessary for negotiations. The Court continued the scheduling conference to a date indefinite but ordered that counsel file a status letter by October 6, 2006. Time under the Speedy Trial Act was excluded by the Court through October 6, 2006.

2. By letter of October 6, 2006, the United States advised the Court that defendant Barrera-Lopez is prepared to enter a guilty plea. That change of plea hearing is scheduled for October 25, 2006.

3. The United States anticipates that within two weeks after November 25, 2006, which is November 8, 2006, it should be clear whether all three defendants will enter guilty pleas. The United States has made to co-defendants Salvador Martinez-Torres and Jose Luis Becerra-Yepez plea offers identical to that which has been accepted by Francisco Barrera-Lopez, except that those plea offers are contingent upon co-defendant Francisco Barrera-Lopez first entering his guilty plea.

4. The Speedy Trial Act provides that the Court may exclude time under the Act "on the basis of his findings that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial." 18 U.S.C. § 3161(h)(8)(A).

5. The Speedy Trial Act also provides that the Court may exclude time under the Act for "delay resulting from consideration by the court of a proposed plea agreement to be entered into by the defendant and the attorney for the Government." 18 U.S.C. § 3161(h)(1)(I).

WHEREFORE, the United States respectfully requests that, pursuant to 18 U.S.C. § 3161(h)(8)(A) and (h)(1)(I), the period commencing with this Motion through November 8, 2006, be excluded under the Speedy Trial Act.

COLM F. CONNOLLY  
United States Attorney

By 

Edmond Falgowski  
Assistant United States Attorney

Dated: 10-17-06

IT IS SO ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
Honorable Joseph J. Farnan, Jr.  
United States District Court

**CERTIFICATE OF SERVICE**

UNITED STATES OF AMERICA

v.

FRANSICSO BARRERA-LOPEZ,  
SALVADOR MARTINEZ-TORRES, and  
JOSE LUIS BECERRA-YEPEZ,

Defendants.

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) Criminal Action No. 06-31-JJF  
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I, Sharon Bernardo, employee with the United States Attorney's Office, hereby certify that on October 17, 2006, I electronically filed the MOTION AND ORDER FOR EXCLUSION OF TIME UNDER SPEEDY TRIAL ACT with the Clerk of the Court using the CM/ECF which will send notification of such filing to:

CHRISTOPHER KOYSTE, ESQUIRE  
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and by causing a two copies of said document to be placed in a postage prepaid envelope, placed in the United States Mail, and addressed to counsel of record, as follows:

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